



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

Applicant : William Henry Mengel
Serial No. : 09/743,997
Filed : March 13 2001
For : USE OF ON-SCREEN DISPLAY (OSD) FOR SUPPLYING
CONTROL AND AUXILIARY INFORMATION TO
EXTERNAL DEVICES
Examiner : Paulos M. Natnael
Art Unit : 2614
Customer No. : 24498

REPLY BRIEF

May It Please The Honorable Board:

This is Appellants' Reply Brief on Appeal Brief in response to the Examiner's answer.
No fee for filing this Reply Brief is believed due. Should a fee be due please charge this
fee to Deposit Account No. 07-0832. Appellants waive an Oral Hearing for this appeal.

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Signature Lori Klewin

Date: April 11, 2006

I. REAL PARTY IN INTEREST

The real party in interest of Application Serial No. 09/743,997 is the Assignee of record:

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II. RELATED APPEALS AND INTERFERENCES

There are currently, and have been, no related Appeals or Interferences regarding Application Serial No. 09/743,997 known to the undersigned attorney.

III. STATUS OF THE CLAIMS

Claims 1-3 and 5-9 are rejected and the rejection of claims 1-3 and 5-9 are appealed.

IV. STATUS OF AMENDMENTS

All amendments were entered and are reflected in the claims included in Appendix I.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 provides a method of receiving information usually included in a blanking interval of an analog video signal. The method includes

receiving an analog video signal including information usually included in a blanking interval formatted as on screen display (OSD) data (page 4, lines 9-12). The information formatted as OSD data is detected and extracted from the analog signal (page 4, lines 16-21). The information for producing a control signal is then processed (page 5, lines 5-11).

Dependent claim 2 includes all the limitations contained in Independent claim 1 and further discloses that the formatted information is inserted into the analog video signal during non-blanking portions (page 4, lines 13-16).

Dependent claim 3 includes all the limitations contained in Independent claim 1 and further discloses that the information is control data (page 4, lines 9-12).

Dependent claim 5 includes all the limitations contained in Independent claim 1 and further discloses that the information is contained in the digital video signal (page 1, lines 10-11; page 6, lines 7-11).

Dependent claim 6 includes all the limitations contained in Independent claim 1 and further discloses that the information is determined by the video receiver (page 6, line 24-26).

Dependent claim 7 includes all the limitations contained in Independent claim 1 and further discloses that the formatted information is displayable in an overscan region (page 7, lines 13-16).

Dependent claim 8 includes all the limitations contained in Independent claim 1 and further discloses that the video receiver provides a sync signal to the external device (page 8, lines 11-17).

Independent claim 9 recites a method of formatting information usually included in a blanking interval of an analog video signal. The method includes receiving a digital video signal (page 6, lines 2-4). An information signal usually included in a blanking interval of an analog video signal is then provided to an OSD generator (page 6, line 27-page 7, line 5). The information signal is then formatted as OSD data and inserted into the video signal (page 7, lines 6-8). The digital video signal is then converted to an analog video signal (page 7, lines 17-20). The analog signal including the information signal formatted as OSD data is then provided to an external device (page 7, line 31 to page 8, line 3).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The Examiner has rejected claims 1-3 and 5-8 as being anticipated under 35 USC 102(e) by Knox et al. (US Patent No. 6,480,238).

The Examiner has rejected claims 4 and 9 as being unpatentable under 35 USC 103(a) over Knox et al. (US Patent No. 6,480,238).

VII. ARGUMENT

Knox et al. does not anticipate nor make unpatentable the present claimed invention. Thus, reversal of the Final Rejection (hereinafter termed “rejection”) of claims 1-3 and 5-9 under 35 U.S.C. §§ 102(e) and 103(a) is respectfully requested.

Overview of the Cited References

Knox et al. describe a pair of display counters which identify the intended positioning of OSD data (Column 4, lines 23-27) on a digital image (Column 2, lines 51-56). The counters and OSD data can be stored in a way to reduce the overall size of the OSD data (Column 5, lines 17-18). After the counters and OSD data are read from memory, the counters are used to selectively blend the OSD data and image data (Column 4, lines 45-50). The resulting image is then converted into an analog signal (Column 4, lines 60-63) to be sent to the display.

Rejection of Claims 1-3 and 5-8 under 35 USC 102(e) over Knox et al. (US Patent No. 6,480,238).

CLAIMS 1-3 and 5-8

Reversal of the rejection of claims 1-3 and 5-8 under 35 U.S.C. 102(e) as being unpatentable over Knox et al. is respectfully requested. The rejection erroneously states that claims 1-3 and 5-8 are anticipated by Knox et al. for the reasons discussed hereinbelow.

Knox et al. specifically describe digital signals containing OSD headers, OSD information and video information and an analog signal containing a blended image of picture data and OSD data. The Examiner's Answer asserts that Knox et al. disclose an OSD bit-stream formatted as OSD data. Knox et al. describe bitstream 120 containing digital information including a header and data—the header defines control functions and details of the data. However, the OSD header is not encoded into the analog signal produced by the digital-to-analog converter. Rather, the produced analog signal is merely a blended image of the picture data and OSD data (Column 4, lines 45-50). Thus, Knox et al. are not concerned with control data, usually included in a blanking interval, encoded as OSD data within an analog signal. Therefore, Knox et al. neither disclose nor suggest “receiving an analog video signal including information usually included in a blanking interval formatted as OSD data” as recited in claim 1 of the present claimed invention.

Additionally, the applicant submits that it would not be obvious to receive an analog signal containing control information formatted as OSD data, for analog and digital video signals are fundamentally different. The structure of a digital signal is flexible and can easily be modified to accommodate a larger OSD packet containing pertinent OSD control information without obstructing the active display. However, an analog signal is not flexible like the aforementioned digital signal. In an analog video signal control information can only be sent in the Vertical Blanking Interval without obstructing the active display. Unlike in a digital video signal, where control data formatted as OSD **accompanies** the picture and OSD data, in an analog signal control data formatted as OSD data **replaces** picture data. Thus, it is not obvious to include

control information within the active display portion (OSD) of an analog video signal, for it would obstruct the picture.

The Examiner's answer asserts further that it is well known in the art to detect, extract and process OSD data as it is well known to display the OSD data. Supplemental data (used to create OSD data) and control data are typically extracted from the VBI of a received analog signal. The active display portion of the signal carries the image data. The supplemental data is then detected, extracted and inserted into the active display as OSD data and the control data is processed. However, once the supplemental data becomes OSD data within the active display it is merely displayed to the user without further processing. The purpose of any information within the active (non-blanking) display portion of an analog signal is to be displayed. Thus, it is not obvious to detect control information within the active display portion of the signal, for the active display typically only contains display information. Accordingly, it would not be obvious to extract and process control information from the active display portion of the analog signal, for it is undesirable to display control information in place of picture information. Therefore, Knox et al. neither disclose nor suggest "receiving an analog video signal including information usually included in a blanking interval formatted as OSD data" and "detecting...extracting...and processing the information for producing a control signal" as recited in claim 1 of the present claimed invention.

Claims 2-3 and 5-8 are dependent on independent claim 1 and therefore the arguments presented above are applicable to dependent claims 2-3 and 5-8 thereby

rendering claims 2-3 and 5-8 patentable for the same reasons as discussed above regarding claim 1.

In view of the above remarks, it is respectfully submitted that there is no 35 USC 112 enabling disclosure contained within Knox et al. that anticipates the present invention as claimed in independent claim 1. As claims 2-3 and 5-8 are dependent on independent claim 1, Applicant respectfully submits that claims 2-3 and 5-8 are also not anticipated by Knox et al. Therefore, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Rejection of Claim 9 under 35 USC 103(a)
over Knox et al. (US Patent No. 6,480,238)

The Examiner's Answer incorrectly rejects claims 4 and 9 under 35 U.S.C. 103(a) as being unpatentable over Knox et al. Claim 4, as admitted in section 4 of the Examiner's Answer, has been cancelled. Therefore, the Applicant provides comments and arguments solely for claim 9.

Reversal of the rejection of claim 9 under 35 U.S.C. 103(a) as being unpatentable over Knox et al. is respectfully requested. The rejection erroneously states that claim 9 is obvious in view of Knox et al. for the reasons discussed hereinbelow.

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed.Cir. 1988). In so doing, the Examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion, or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988); *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227 USPQ 657, 664 (Fed.Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986); *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed.Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed.Cir. 1992).

CLAIM 9

Specifically, Knox et al. describe a digital OSD signal containing an OSD header and OSD information. The Examiner's Answer asserts that it would have been obvious to modify the system of Knox et al. to convert digital OSD header data into analog OSD header data and insert it into the video signal, as it is obvious to place OSD data into a video signal. However, the OSD header data described by Knox et al. is never displayed in the active region of the signal. Rather, the OSD header defines how

the OSD data is inserted into the active display region. Similarly, it is known in the art to include OSD data into a video signal. However, only displayable OSD information is favorable in the video signal. Other information included in the OSD data would distort the image. Thus, it would have not have been obvious to modify the system of Knox et al. to include an information signal formatted as OSD data within the active region of a video signal. Therefore, Knox et al. neither disclose nor suggest “inserting the OSD data into the video signal” as recited in claim 9 of the present claimed invention.

The Examiner’s Answer asserts further that Knox et al. provide an analog signal including non-OSD control information formatted as OSD data to an external device. However, the OSD headers referenced by the Examiner are merely used to define the attributes of the OSD data to the OSD unit. The mixer receives the OSD data and blends it with the picture based on those attributes to create a single image. The output of the mixer is a single blended image containing the picture and OSD data. The mixers output does not contain the OSD header data. Thus, the analog signal created by the digital-to-analog converter lacks an information signal formatted as OSD data. Thus, Knox et al. neither disclose nor suggests “providing the analog signal including the information signal formatted as OSD data to an external device” as recited in claim 9 of the present invention.

In view of the above remarks, it is respectfully submitted that there is no 35 USC 112 enabling disclosure contained within Knox et al. that makes the present invention as claimed in independent claim 9 unpatentable. Therefore, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

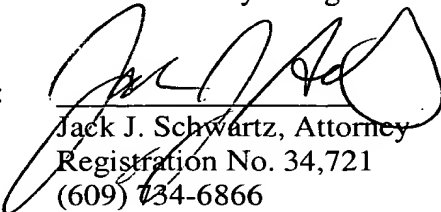
VIII CONCLUSION

As indicated in the Examiner's Answer, the previous rejections in view of Sparks and Ogino have been overcome and withdrawn from consideration. Additionally, Knox et al. neither disclose nor suggest "receiving an analog video signal including information usually included in a blanking interval formatted as OSD data" and "detecting...extracting...and processing the information for producing a control signal" as claimed in claim 1 of the present claimed invention. Knox et al. also neither disclose nor suggest "providing a information signal usually included in a blanking interval of an analog signal to an OSD generator" and "formatting the information signal as OSD data" as claimed in claim 9 of the present invention.

Accordingly it is respectfully submitted that the rejection of Claims 1-3 and 5-9 should be reversed.

Respectfully submitted,
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APPENDIX I - APPEALED CLAIMS

1. (Previously Presented) A method of receiving information usually included in a blanking interval of an analog video signal the method comprising:
receiving an analog video signal including information usually included in a blanking interval formatted as OSD data;
detecting the information formatted as OSD data;
extracting the detected information from the analog signal; and
processing the information for producing a control signal.
2. (Previously Presented) The method of claim 1, wherein the formatted information is inserted into the analog video signal during non-blanking portions.
3. (Previously Presented) The method of claim 1, wherein the non-OSD control information is control data.
4. (Cancelled)
5. (Previously Presented) The method of claim 1, wherein the information is contained in the digital video signal.
6. (Previously Presented) The method of claim 1, wherein the information is determined by the video receiver.

7. (Previously Presented) The method of claim 1, wherein the formatted information is displayable in an overscan region.

8. (Original) The method of claim 1, wherein the video receiver provides a sync signal to the external device.

9. (Previously Presented) A method of formatting information usually included in a blanking interval of an analog video signal, said method comprising the steps of:

- receiving a digital video signal;
- providing an information signal usually included in a blanking interval of an analog video signal to an OSD generator;
- formatting the information signal as OSD data;
- inserting the OSD data into the video signal;
- converting the digital video signal to an analog video signal; and
- providing the analog signal including the information signal formatted as OSD data to an external device.

APPENDIX II - EVIDENCE

Applicant relies on no evidence other than the arguments presented hereinabove.

APPENDIX III - RELATED PROCEEDINGS

Applicant respectfully submits that there are no related proceedings in this present application.

APPENDIX IV - TABLE OF CASES

1. *In re Fine*, 5 USPQ 2d 1600, (Fed Cir. 1988)
2. *ACS Hospital Systems Inc v. Montefiore Hospital*, 221 USPQ 929,933
(Fed. Cir. 1984)
3. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966)
4. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434,
1438
(Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988)
5. *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227
USPQ
657, 664 (Fed.Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986)

APPENDIX V - LIST OF REFERENCES

<u>U.S. Pat. No.</u>	<u>Issued Date</u>	<u>102(e) Date</u>	<u>Inventors</u>
6,034,738	Mar. 7, 2000		Sparks
6,449,425 B1	Sep. 10, 2002		Ogino
6,480,238 B1	Nov. 12, 2002		Knox et al.

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